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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 NORTHERN CALIFORNIA GLAZIERS,
9 ARCHITECTURAL METAL AND GLASS
WORKERS PENSION PLAN, et al.,

No. C-06-7448 EDL

10 Plaintiffs,

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFFS' MOTION
FOR DEFAULT JUDGMENT**

11 v.

12 PACIFIC GLASS & ALUMINUM, INC.,

13 Defendant.

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15 Plaintiff's application for default judgment against Defendant Pacific Glass & Aluminum
16 came on for hearing on January 8, 2008. Attorney Muriel Kaplan appeared for Plaintiffs. Defendant
17 appeared at the hearing through its President Ken Greenhaw. Both parties have consented to
18 magistrate judge jurisdiction pursuant to 28 U.S.C. § 636c.

19 On December 5, 2006, Plaintiffs filed a complaint under sections 1132 and 1145 of the
20 Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132 and 1145, and
21 section 301 of the Labor-Management Relations Act, 29 U.S.C. § 185(a), alleging that Defendant
22 violated a collective bargaining agreement by failing to make the required contributions to the
23 Plaintiff Trustees. The complaint sought payment of delinquent contributions, liquidated damages,
24 interest, costs, and attorney's fees. On December 18, 2006, Defendant was served with the
25 summons and complaint. Because Defendant failed to answer the complaint or otherwise defend the
26 action, on January 18, 2007, upon Plaintiffs' request, the Clerk of this Court entered Defendant's
27 default under Federal Rule of Civil Procedure 55(a).

28 Defendant appeared at the hearing on Plaintiffs' motion for default judgment and contested

1 the results of Plaintiffs' audit of his records. The Court ordered Defendant to fax or e-mail his
2 documents and questions to Plaintiffs' counsel no later than January 8, 2008. The Court also ordered
3 the parties to meet and confer in person at Plaintiffs' counsel's office on January 14, 2008 at 10:00
4 a.m. The parties shall update the Court on the status of the case no later than the close of business on
5 January 14, 2008. Accordingly, Plaintiffs' motion for default judgment is denied without prejudice.

6 **IT IS SO ORDERED.**

7 Dated: January 9, 2008

Elizabeth D. Laporte
8 ELIZABETH D. LAPORTE
United States Magistrate Judge

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